

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SHARON COPELAND,

Plaintiff,

v.

AIG DIRECT INSURANCE SERVICES, INC.,

Defendant.

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No. 3:14-cv-2811

PLAINTIFF’S COMPLAINT

NOW COMES Plaintiff, SHARON COPELAND (“Plaintiff”), through her attorneys, KROHN & MOSS, LTD., and hereby alleges the following against Defendant, AIG DIRECT INSURANCE SERVICES, INC. (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”).

JURISDICTION and VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. 1331.
3. Defendant conducts business in the State of Texas thereby establishing personal jurisdiction.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Dallas, Collin County, Texas.
6. Defendant is a business entity with an office located at 9640 Granite Ridge Drive, San Diego, California 92123.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. Defendant has been assigned telephone number(s) from its telephone service provider(s) that are used to place telephone calls including, but not limited to, (858) 309-3000.

9. In or around January 2014, Defendant started placing telephone calls to Plaintiff at telephone number (903) 422-96xx, which is Plaintiff's cellular telephone.

10. All of Defendant's telephone calls to Plaintiff were placed using an automatic telephone dialing system or other equipment capable of storing or producing telephone numbers to be called using a random or sequential number generator ("predictive dialer").

11. Defendant calls Plaintiff's cell phone to solicit Plaintiff to purchase insurance from Defendant.

12. Defendant's calls to Plaintiff are not for emergency purposes.

13. Plaintiff never inquired about Defendant's products or services, nor did Plaintiff ever give Defendant her cell phone number or permission to call her cell phone.

14. Defendant used a predictive dialer to call Plaintiff's cell phone approximately 23 times between January 2014 and February 2014.

15. Defendant's calls to Plaintiff's cell phone include, but are not limited to, the following:

- 1) 1/28/2014 9:18 AM
- 2) 1/28/2014 2:54 PM
- 3) 1/28/2014 3:54 PM
- 4) 1/29/2014 10:26 AM
- 5) 1/29/2014 2:26 PM
- 6) 1/29/2014 3:26 PM
- 7) 1/30/2014 2:03 PM
- 8) 1/30/2014 3:03 PM

- 9) 1/31/2014 10:53 AM
- 10) 1/31/2014 4:10 PM
- 11) 1/31/2014 5:10 PM
- 12) 2/3/2014 9:45 AM
- 13) 2/3/2014 10:45 AM

16. Plaintiff is annoyed and feels harassed by Defendant's calls to her cell phone.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

17. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

18. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, SHARON COPELAND, respectfully requests judgment be entered against Defendant, aig direct insurance services, inc., for the following

19. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

20. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

21. All court costs, witness fees and other fees incurred;

22. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: August 5, 2014

By: /s/ Ryan Lee
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